

ORDINANCE NO. 09-80

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF WATER AND SEWERS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2009-2010 COMMENCING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010, IN THE TOTAL AMOUNT OF \$84,034,914; APPROVING WATER AND SEWER RATE INCREASES TO HELP OFFSET WHOLESALE WATER AND SEWER RATE INCREASES IF IMPOSED BY MIAMI-DADE COUNTY EFFECTIVE OCTOBER 1, 2009, IN CONJUNCTION WITH A CONSUMER PRICE INDEX (CPI) ADJUSTMENT, IF ADOPTED BY MIAMI-DADE COUNTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, effective October 1, 2009, the Miami-Dade Water and Sewers Department has advised the City of increases in the wholesale water rate to \$1.5630 per 1,000 gallons and in the wholesale wastewater or sewer rates, at \$2.0436 per 1,000 gallons on average (wet/dry season); however, at its budget meeting of September 3, 2009, the Board of County Commissioners did not vote a rate increase for wholesale water rates or wholesale wastewater or sewer rates at that time, although reserving the right to impose a rate increase at its second budget meeting of September 17, 2009; and

**WHEREAS**, the City, having delayed the implementation of a rate increase approved last year pending a rate study, shall, at the minimum, implement approved rates of \$1.3636 per 1,000 gallons in the wholesale water rate and a wholesale wastewater or sewer rates at \$1.4761 per 1,000 gallons from November 1 through April 30 (dry season) and \$1.8978 per 1,000 gallons from May 1 through October 31 (wet season); and

**WHEREAS**, the City finds that it is in the best interest to recoup and help defray the increases, if imposed by Miami-Dade County, that the City will continue to pay Miami-Dade County for the purchase of its water and the disposal of its wastewater; and

**WHEREAS**, the Department of Water and Sewers is required by loan agreements to maintain ratios of operating income to operating expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The budget of the Department of Water and Sewers of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of \$84,034,914,

for the fiscal year 2009-2010 commencing on October 1, 2009 and ending September 30, 2009, is hereby approved and adopted.

**Section 2:** The City of Hialeah, Florida hereby approves a water rate increase to help offset wholesale rate increases in an amount equal to the increased wholesale water rate if a water rate increase is imposed by Miami-Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) adjustment established by resolution, if a CPI adjustment is approved by Miami-Dade County; and alternatively, if Miami-Dade County does not impose a water rate increase, the City of Hialeah, Florida hereby approves the 2009-2010 water rates as adjusted by the 2008-2009 approved wholesale water rates and as adjusted by the 2008-2009 approved CPI adjustment.

**Section 3:** The City of Hialeah, Florida hereby approves a sewer rate increase to help offset wholesale rate increases in an amount equal to the increased wholesale sewer rate if a water rate increase is imposed by Miami-Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) adjustment established by resolution, if approved by Miami-Dade County; and alternatively, if Miami-Dade County does not approve a sewer rate increase, the City of Hialeah, Florida hereby approves the 2009-2010 sewer rates as adjusted by the 2008-2009 approved wholesale sewer rates and as adjusted by the 2008-2009 approved CPI adjustment.

**Section 4: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 6: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

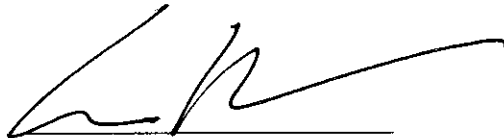
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 7: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 29<sup>th</sup> day of September, 2009.

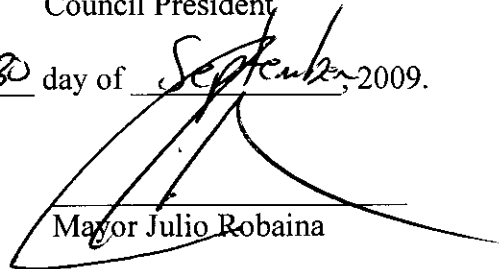
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.




Carlos Hernandez  
Council President

Attest:

Approved on this 30 day of September, 2009.

  
Rafael E. Granado, City Clerk  
Mayor Julio Robaina

Approved as to legal sufficiency and form:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".